

REMARKS

The present invention relates generally to providing fluorescent particles useful in determining analyte concentrations in aqueous solutions. The particles of the present invention incorporate dye pairs that are selected to provide advantageously large Stokes shifts (*i.e.*, the shift in wavelength between peak light absorption and peak fluorescent emission) through resonant energy transfer between the members of the dye pairs. *See, e.g.*, specification, page 13, lines 5-23. In addition, the fluorescent particles of the present invention can provide reduced quenching of the fluorescent signal. *See, e.g.*, specification, page 14, lines 12-18.

Claims 30-44 and 46 are presently pending in the application, with claims 30, 31, and 42 presently under consideration by the Examiner.

Claim 42 is amended herein to return dependency back to claim 1. This amendment raises no issue of new matter and removes the Examiner's concern to include the particle size limitation.

Applicants respectfully request entry of this amendment and the one of June 3, 2005 as this will place the case in immediate condition for allowance.

Interview Summary

The Applicants wish to thank Examiner Epperson for contacting the undersigned on 7/13/2005 to offer suggestions to move the case to allowance. Examiner Epperson indicated during the interview that that the case would be allowed provided that claim 42 was amended to include the particle size limitation and that a terminal disclaimer was filed over U.S. Patent No. 6,251,687. The undersigned called Examiner Epperson on 7/14/2005 and agreed to the arrangement. The instant Supplemental Amendment After Final amends claim 42 as requested and is accompanied by the terminal disclaimer.

Obviousness-Type Double Patenting Rejection

Claims 30-31, 42, and 45 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-136 of U.S. Patent No. 6,251,687. Although

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Applicants disagree with the rejection, a terminal disclaimer is provided herewith to move the case to allowance.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully submit that the pending claims are in condition for allowance. An early notice to that effect is earnestly solicited. Should any matters remain outstanding, the Examiner is encouraged to contact the undersigned at the address and telephone number listed below so that they may be resolved without the need for additional action and response thereto.

Respectfully submitted,

By Barry WilsonDate July 18, 2005

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